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3 **LAW OFFICES OF LYNN HUBBARD**  
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7 Attorneys for Plaintiff

8 THE UNITED STATES DISTRICT COURT  
9  
10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
11

12 TONY HARRIS,  
13 Plaintiff,

14  
15 v.

16 CHICO NISSAN, INC.,  
17 RAYMOND L. BOWEN, et al.,  
18 Defendants.  
19  
20  
21

Case No.: CIV S 04-1149 WBS CMK

22 **EX PARTE APPLICATION AND**  
23 **[PROPOSED] ORDER**  
24 **AMENDING THE SCHEDULING**  
25 **ORDER TO EXTEND THE LAW**  
26 **AND MOTION CUT-OFF**

27 TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD HEREIN:

28 Plaintiff makes this Application pursuant to Federal Rules of Civil  
Procedure 6(b) and 16(b) and Local Rule 6-142.

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*Harris v. Chico Nissan, et al.*, Case No. CIV. S-04-1149 WBS CMK  
*Ex Parte* Application and [Proposed] Order Amending the Law & Motion Cut-Off

1 Plaintiff Tony Harris hereby submits this ex parte application for an  
2 order amending the Court's Scheduling Order to extend the last date to file  
3 law and motion.

4 Whereas, plaintiff's previous ex parte application had an error, and  
5 should not have sought an extension on the law and motion cut-off;

6 Whereas, plaintiff would like to revert back to the previous scheduling  
7 order that was issued on September 13, 2004.

8 Accordingly, plaintiff respectfully requests that the new date to file law  
9 and motion be extended to November 1, 2005.

10  
11 Dated: September 28, 2005

LAW OFFICES OF LYNN HUBBARD

12  
13 /s/ Mark Emmett

14  
15 MARK EMMETT  
16 Attorney for Plaintiff

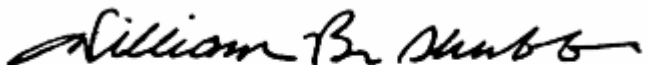
17  
18 **ORDER**

19 Having considered Plaintiff's *ex parte* application for an order  
20 amending the scheduling order to extend law and motion cut-off and good  
21 cause having been shown;

22 **IT IS HEREBY ORDERED:**

- 23 (1) The last day to file law and motion matters is hereby extended  
24 until November 1, 2005.

25  
26 Dated: October 3, 2005

27   
28 WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE